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June 30, 2017

VIA FOIAonline Portal

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (2822T)
Washington, DC 20460

RE: Freedom of Information Act Request

Dear Sir or Madam:

On behalf of Public Citizen, Inc., and pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I request:

Any and all communications—including but not limited to letters, faxes, and emails, including all attachments to emails—to or from any staff of the Environmental Protection Agency's Office of the Administrator, including the Administrator, from or to any lawyer at the following law firms: (1) Covington & Burling; (2) Greenberg Traurig; (3) Hunton & Williams; (4) Jackson Walker; (5) Jones Day; (6) Mayer Brown; (7) Shook, Hardy & Bacon; or (8) Squire Patton Boggs.

This request is limited to records created or received by the Environmental Protection Agency (EPA) between February 20, 2017, and the date of processing this request. Public Citizen requests the entire documents containing responsive information, including any and all information in each document that the agency may consider “non-responsive.”

If it is your position that responsive records exist but that those records (or portions of those records) are exempt from disclosure, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the nonexempt portions of the records. Public Citizen seeks each record *in its entirety*. Accordingly, please do not redact portions of any record as “non-responsive,” “out of scope,” or the like.

I request that any records produced in response to this request be provided in electronic form wherever possible.

Public Citizen requests that all fees in connection with this FOIA request be waived in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) because Public Citizen does not seek the records for a commercial purpose and disclosure “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.” The records requested will contribute to the public’s understanding of the extent, if any, to which private law firms have a role in agency policy decisions.¹

Public Citizen, which has over 400,000 members and supporters, is a nonprofit research, litigation, and advocacy organization that represents the public interest before Congress, the executive branch, and the courts. It fights for openness and democratic accountability in government; for social and economic justice in globalization and trade policies; for clean, safe and sustainable energy; for strong health, safety and environmental protections; for safe, effective and affordable medicines and health care; and for the right of consumers to seek redress in the courts. In particular, Public Citizen has produced reports and engaged in advocacy campaigns regarding climate change,² clean air,³ renewable energy,⁴ energy efficiency,⁵ and nuclear waste storage,⁶ among other issues.

¹ See, e.g., Annie Snider, *Pruitt Allies Explore Hiring Private Lawyers to Rewrite EPA Rule*, Politico (April 18, 2017), <http://www.politico.com/story/2017/04/pruitt-water-rules-private-lawyers-237339>.

² Public Citizen, *Trump’s Rejection of Paris Climate Accord Is Epic Blunder* (May 31, 2017), <http://www.citizen.org/media/press-releases/trump%E2%80%99s-rejection-paris-climate-accord-epic-blunder>.

³ Public Citizen, *Methane Rule Is a Positive Step Forward, but Fails to Address Emissions From Existing Operations* (May 12, 2016), <http://www.citizen.org/media/press-releases/methane-rule-positive-step-forward-fails-address-emissions-existing-operations>.

⁴ Public Citizen, *The Chamber’s Smokescreen: The Truth Behind the Chamber’s “All of the Above” Energy Policy* (June 19, 2017), http://www.citizen.org/system/files/case_documents/institute_for_21st_century_ener_gy_report_final.pdf.

⁵ Public Citizen, *Blinded by the Light: Crusade Against Energy Efficiency Initiatives Ignores Their Role in Saving Consumers Money* (June 15, 2017), http://www.citizen.org/system/files/case_documents/energy-efficiency-report.pdf.

Public Citizen does not have a commercial interest in the requested records; it intends to share information received from this request with the public free of charge. It regularly publishes reports based upon information acquired through FOIA.⁷ Public Citizen also has a demonstrated capacity to disseminate this information. Public Citizen has several full-time staff dedicated to distributing its publications through its website, which includes a Climate and Energy webpage,⁸ its newsletters,⁹ Twitter,¹⁰ Facebook,¹¹ email listserv, and press releases.¹² Many of Public Citizen's reports, petitions, or other research products grab headlines in major newspapers, broadcast media, social media, and academic journals.¹³ Public

⁶ Public Citizen, *Big Win for Enviro in Texas as Nuclear Waste Bill Is Amended* (May 5, 2017), <http://www.citizen.org/media/press-releases/big-win-enviros-texas-nuclear-waste-bill-amended>.

⁷ For examples of publications distributed through the website, see Reports and Memos on the Trans-Pacific Partnership, <http://www.citizen.org/TPP#reports>; and a 2015 report entitled "Nursing: A Profession in Peril," <http://www.citizen.org/health-care-worker-safety-report-series>, a five-part series on health care workers injured on the job.

⁸ Public Citizen, Climate and Energy, <http://www.citizen.org/our-work/climate-and-energy>.

⁹ See, e.g., Public Citizen, Health Letter, <http://www.citizen.org/healthletter>.

¹⁰ https://twitter.com/Public_Citizen (Public Citizen's Twitter page).

¹¹ <https://www.facebook.com/publiccitizen> (Public Citizen's Facebook page).

¹² See, e.g., Public Citizen, *Conflicted Golfer-in-Chief Takes Swing at Clean Water Rule*, (June 27, 2017), <http://www.citizen.org/media/press-releases/conflicted-golfer-chief-takes-swing-clean-water-rule>.

¹³ See, e.g., 2010 report: "Lies, Damn Lies and Export Statistics How Corporate Lobbyists Distort Record of Flawed Trade Deals" discussed in: Sewell Chan, *In the Form of a Study, a Salvo From the Left Questions Obama's Trade Goals*, N.Y. Times, Sept. 14, 2010, <https://nyti.ms/2koGjEC>; 2014 Report: "Mission Creep-y: Google Is Quietly Becoming One of the Nation's Most Powerful Political Forces While Expanding Its Information-Collection Empire" discussed in: Alistair Barr, *Consumer Group Questions Google's Breadth, Influence*, Wall St. J. Blog, Nov. 13, 2014, <http://on.wsj.com/1BgWmGZ>; 2015 Report: "Sleighted: Accounting Tricks Create False Impression That Small Businesses Are Getting Their Share of Federal Procurement Money, and the Political Factors That Might Be at Play", discussed in: Charles Tiefer, *Trump Administration Fails at Creating Jobs by Missing Small Business Contract Targets*, Forbes (June 5, 2017),

Citizen maintains four blogs,¹⁴ publishes a bi-monthly newspaper,¹⁵ and issues frequent press releases.¹⁶ Nearly every day, print and broadcast media around the world mention Public Citizen or quote its experts.¹⁷ Public Citizen also makes its experts available to speak to the media, at conferences, and to testify before Congress.¹⁸

Accordingly, I request that you waive all fees for locating and duplicating the requested records because Public Citizen is entitled to a public interest fee waiver. If, however, a waiver is not granted, please advise me of the amount of any proposed search, review, and reproduction charges before you conduct those activities.

I expect a response within 20 working days as provided by law. If you have any questions regarding this request, please contact me by phone at (202) 588-7727 or by email at pllewellyn@citizen.org.

<https://www.forbes.com/sites/charlestiefer/2017/06/05/trump-administration-fails-at-creating-jobs-by-missing-small-business-contract-targets/>.

¹⁴ Citizen Vox, <http://www.citizenvox.org>; Consumer Law & Policy Blog, <http://pubcit.typepad.com/>; Eyes on Trade, <http://citizen.typepad.com/eyesontrade/>; and Texas Vox, <http://www.texasvox.org/>.

¹⁵ See, e.g., Public Citizen, Public Citizen News (March/April 2017), http://www.citizen.org/sites/default/files/pc_news_issues/2017/mar-apr/files/assets/common/downloads/PC%20News%20MarchApril.pdf.

¹⁶ Public Citizen, Latest Public Citizen Press Releases, <http://www.citizen.org/media/press-releases>.

¹⁷ Juan Williams, *Trump Refills the Swamp*, The Hill, June 26, 2017, <http://thehill.com/opinion/juan-williams/339378-juan-williams-trump-refills-the-swamp>; Barry Meier, *OSHA to Roll Back Rules on Toxic Mineral at Construction Sites*, N.Y. Times, June 23, 2017, <https://www.nytimes.com/2017/06/23/business/osha-beryllium.html>; David Lazarus, *Trump Wants to Deny Nursing-Home Residents and Their Families the Right to Sue*, L.A. Times, June 13, 2017, <http://www.latimes.com/business/lazarus/la-fi-lazarus-nursing-home-arbitration-20170613-story.html>. An archive of many of these news stories is available on its website: Public Citizen, Media Hits, <https://www.citizen.org/media/media-hits>.

¹⁸ Public Citizen, Public Citizen's Experts, <https://www.citizen.org/media/public-citizens-experts>.

Thank you very much for your attention to this matter.

Sincerely,

Patrick Llewellyn